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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,821	01/07/2002	Douglas Manning Simmons	03251-P0008A	4598

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EXAMINER

ALOMARI, FIRAS B

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/040,821	Applicant(s) SIMMONS, DOUGLAS MANNING	
	Examiner Firas Alomari	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/07/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 10-14, 17-19 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolphin US (5,457,746).

Regarding claims 1 and 17: Dolphin discloses a system for electronically distributing reading material, comprising at least one electronic reading device (Col 4, Lines 31-38) having a dedicated serial code (Col 7, Lines 29-47), and storing means for storing at least one block of digital data representing reading material in encrypted machine readable form and adapted to be accessed by the reading device(Col 4, Lines 23-30), the block of data having a identification code(Col 6, Lines 11-22), characterized by remote processing means having receiving means for receiving a serial code and an identification code transmitted thereto by the reading device(Col 6, Lines 46-53 and Col 7 line 65 through Col 8, Line 15), decryption key generating means for generating a decryption key in

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response to receipt of the serial code and the identification code (Col 7 line 65 through Col 8, Line 15), and transmitting means for transmitting a generated decryption key to the reading device(Col 4, Lines 48-54), the reading device including decryption means for processing the decryption key and permitting decryption of the encrypted block of data(Col 4 Line 64 through Col 5 line 6), and display means for displaying at least part of the decrypted data(Col 4 , Lines 60-64).

Regarding claims 2 and 18: Dolphin discloses a system for authenticating the procurement, by a reader, of electronic reading material stored in the form of at least one block of encrypted digital data in an electronic reading device (Col 4, Lines 23-30) having means for selecting a block of data representing required reading material(Col , Lines), the reading device having a dedicated serial code (Col 7, Lines 29-47) and the or each block of data being associated with an individual identification code (Col 6, Lines 11-22), characterized by remote processing means having decryption key generating means for receiving the serial code and the identification code of a selected block of data transmitted thereto from the reading device(Col 6, Lines 46-53), and for producing a decryption key in response to receipt thereof(Col 7 line 65 through Col 8, Line 3), and transmitting means for transmitting the generated decryption key to the reading device to permit decryption of the encrypted data.(Col 8, Lines 11-18)

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Regarding claims 3 and 19: Dolphin discloses the system claimed in claim 1, wherein the remote processing means includes means for storing an encryption data code, used to encrypt the block of digital data, in association with the identification code of the block of digital data encrypted with encryption data code. (Col 5, Lines 34-39 and item 23 of FIG. 2)

Regarding claims 10 and 26: The system claimed in claim 1, wherein the remote processing means includes means responsive to initial receipt of the serial code and identification code for transmitting particulars of the selected reading material to the reading device for confirmation purposes, and wherein the decryption key generating means generates the decryption key in response to a confirmation signal transmitted from the reading device.(Col 7 line 65 through Col 8, Line 23)

As per claim 11: The system claimed in claim 1, including means for effecting payment for the generation and transmission of the decryption key to enable the reading device to display at least part of the decrypted data (Col 7, Lines 49-57).

Regarding 12: The system claimed in claim 1, wherein the storing means comprises a record disc, tape or other record medium on which the reading material is recorded separately from the reading device.(Col 4, Lines 24-32)

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Regarding 13: The system claimed in claim 1, wherein the reading device forms part of a wired communication system and/or a wireless communication system.(

Col 4, Lines 48-54)

Regarding 14: The system claimed in claim 1, including means for entering user identification code on the reading device and verification means for verifying the user identification code.(Col 7, Lines 29-47)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-9, 15-16 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin US (5,457,746) in view of Benardeau US (6,813,709).

Regarding claims 4,20 and 21: Dolphin shows the system claimed, wherein the reading device has a unique public private key pair assigned to each subscriber along with the identification information for the card stored in the reader (Col 7, Lines 29-47 and Col 8, Lines 63-67), but he doesn't explicitly teach the reading device have a concealed code associated with the serial code and the remote

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processing means includes means for storing the concealed reading device code and its associated serial code at the remote processing means. However Benardeau shows a method for restricting access to digital data on a digital support medium using an integrated circuit like a smart card where he teaches using a concealed device code (Col 4, Lines 58-65) associated with the identity of the reader or the medium (Col 4, Line 66 through Col 5, Line 6) stored in secure memory (Col 6, lines 1-5) to provide encryption/decryption to a digital media. Therefore it would be obvious to one ordinary skilled in the art at the time the invention was made to modify Dolphin system with the teachings of Benardeau to include a concealed device code associated with serial code and stored in the remote processing means to be used in the encryption decryption of the digital media. One would be motivated to do so in order to provide the system with increased security with the device in question (Col 3, Lines 39-41) and enable the system to permit the media only to be read by a particular reader (Col 3, Lines 49-53).

Regarding claims 5 and 22: Dolphin shows the system claimed in claim 1, wherein the reading device has a unique public private key pair assigned to each subscriber along with the identification information for the card stored in the reader (Col 7, Lines 29-47 and Col 8, Lines 63-67) and he shows the decryption key being retrieved after this information is transmitted to the system (Col 9, lines 38-51), but he doesn't explicitly show the system generating keys based on the device serial code and the device access code. However Benardeau shows a

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method for restricting access to digital data on a digital support medium using an integrated circuit like a smart card where he teaches using a concealed device code (Col 4, Lines 58-65) associated with the identity of the reader or the medium (Col 4 , Line 66 through Col 5, Line 6) to provide decryption key to decrypt digital media(Col 6, Lines 41-48). Therefore it would been obvious to one ordinary skilled in the art at the time the invention was made to modify Dolphin system with the teachings of Benardeau to use the concealed device code associated with serial code and stored in the remote processing means to generate the decryption key. One would be motivated to do so in order to provide the system with increased security with the device in question (Col 3, Lines39-41) and enable the system to permit the media only to be read by a particular reader(Col 3, Lines 49-53).

Regarding claims 6 and 23: Dolphin discloses the system claimed in claim 4, wherein the decryption key generating means is adapted to generate the decryption key based on the encryption data code identified by the identification code of the content.(Col 7 line 65 through Col 8, Line 3)

Regarding claim 7: Dolphin disclose he system claimed in claim 4, wherein the remote processing means stores the encryption data and the identification data in a secure database (Col 8, Lines 54-67 and Col 10, Lines 40-45), but he doesn't explicitly show the remote processing means storing the concealed reading device code, the encryption data code and the relevant identification

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code in a secure memory area. However Benardeau shows a method for restricting access to digital data on a digital support medium using an integrated circuit like a smart card where he teaches storing a concealed device code (Col 4, Lines 58-65) associated with the identity of the reader or the medium (Col 4, Line 66 through Col 5, Line 6) in a secure memory (Col 2, Lines 23-34).

Therefore it would be obvious to one ordinary skilled in the art at the time the invention was made to modify Dolphin system with the teachings of Benardeau to store the concealed device code associated with serial code in secure memory location. One would be motivated to do so in order to provide the system with increased security with the device in question (Col 3, Lines 39-41) by prohibiting the copying and disclosure of the keys (Col 3, Lines 39-41).

Regarding claims 8 and 24: Dolphin shows the system claimed in claim 4, wherein the decryption means of the reading device uses the decryption key provided by the database to decrypt the encrypted data (Col 4 Line 64 through Col 5 line 6) but doesn't show the use of the reading device code associated with the decryption key to decrypt the encrypted data. However Benardeau shows a method for restricting access to digital data on a digital support medium using an integrated circuit like a smart card where he teaches using a concealed device code (Col 4, Lines 58-65) associated with the identity of the reader (Col 4, Line 66 through Col 5, Line 6) to provide decryption key to decrypt digital media (Col 6, Lines 41-48). Therefore it would be obvious to one ordinary skilled in the art at the time the invention was made to modify Dolphin system with the teachings

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of Benardeau to generate the decryption key based on the concealed device code associated with serial code. One would be motivated to do so in order to provide the system with increased security with the device in question (Col 3, Lines39-41) and enable the system to permit the media only to be read by a particular reader(Col 3, Lines 49-53).

Regarding claims 9 and 25: Dolphin shows the system claimed, wherein the decryption means processes the block of encrypted digital data with the decryption key to produce the decrypted data (Col 4 Line 64 through Col 5 line 6) but he doesn't show using the decryption key to produce a new block of data in a uniquely encrypted format which is adapted to be decrypted by the reading device code. However Benardeau shows providing decryption key to decrypt digital media(Col 6, Lines 41-48) and re-producing an encrypted data to be decrypted by the device code (Col 6, Line 66 through Col 7, line 15). Therefore it would be obvious to one ordinary skilled in the art at the time the invention was made to modify Dolphin system with the teachings of Benardeau to generate a uniquely encrypted data adaptable to be decrypted by the device code. One would be motivated to do so in order to provide the system with increased security with the device in question (Col 3, Lines39-41) and enable the system to permit the media only to be read by a particular reader(Col 3, Lines 49-53).

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5. Claims 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin US (5,457,746) in view of Kawan US (5,796,832).

Regarding claim 15: Dolphin discloses the system claimed in claim 1, wherein the reading device includes a receiver for receiving a second block of digital data via any communication channel (Col 4, Lines 32-38) but doesn't explicitly show the second block of data being received via a wireless connection. However Kwan discloses a wireless communication system (Col 2, Lines 9-19) where he uses a wireless connection to transmit and receive user information (Col 3, Lines 36-64). Therefore it would be obvious to one ordinary skilled in the art at the time the invention was made to modify the Dolphin system with the teaching Kwan to transmit second block of data using a wireless connection. One would be motivated to do so in order to provide the system with a greater mobility by enabling the system to be conveniently used from different geographic locations (Col 1 line 58 through Col 2 line 4).

Regarding claim 16: Dolphin discloses the system claimed in claim 15, wherein the second block of digital data comprises information to update information contained in the first block of data. (Col 13, Lines 1-17)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is

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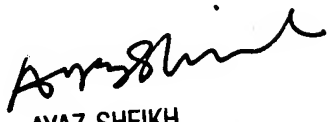
(571) 272-7963. The examiner can normally be reached on M-F from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firas Alomari
Examiner
Art Unit 2136

FA


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